

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Acheson Industries, Inc.  
1600 Washington Ave.  
Port Huron, MI 48060

**ATTENTION:** William H. Powell, Chairman-CEO

**Request to Provide Information Pursuant to the Clean Air Act**

The United States Environmental Protection Agency (U.S. EPA) is requiring Acheson Industries, Inc. (Acheson) to submit certain information pertaining to the manufacture and distribution of products which contain volatile organic compounds (VOC). Appendix A specifies the information that you must submit. You must send this information to us within 21 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (Act), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of U.S. EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5. The information to be submitted in response to this request is specified in Appendix A.

Acheson is engaged in the manufacture of architectural coatings for sale or distribution in the United States. We are requesting this information to determine whether your emission source is complying with the National Volatile Organic Compound

Emission Standards for Architectural Coatings at 40 C.F.R. Part 59, Subpart D (40 C.F.R. §§ 59.400-59.413), promulgated under Section 183(e) of the Act, a copy of which is attached as Appendix B to this request.

You must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

With copies to:

Mark Reed, Supervisor  
Saginaw Bay District Office  
503 N. Euclid Avenue, Suite 1  
Bay City, MI 48706-2965

You may consider the information confidential that you submit to us. You may assert a claim of business confidentiality for any portion of the submitted information, except emission data, under 40 C.F.R. part 2, subpart B. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. part 2, subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Acheson must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are,

to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, in the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

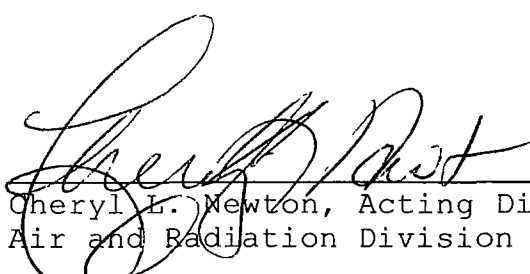
We may use any information submitted in response to this request in an administrative, civil, or criminal action.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

Failure to comply fully with this request for information may subject Acheson to an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

You should direct any questions concerning this request for information to Ray Cullen at (312) 886-0538.

10/1/03  
Date

  
Cheryl L. Newton, Acting Director  
Air and Radiation Division

## **Appendix A**

The following information for Acheson's manufacturing and distributing operation must be supplied in accordance with the foregoing Request for Information Pursuant to the Clean Air Act:

1. A list of all specific products or batches of materials that are considered "architectural coatings," as defined in 40 C.F.R. § 59.401, which have been manufactured or formulated since September 13, 1999. Each product type or batch should be identified under one of the categories described in Table 1 to 40 C.F.R. Part 59, Subpart D (Subpart D). Where possible, this information should be provided in tabular form. For your convenience, we are enclosing as Appendix B a copy of Subpart D, including Table 1.
2. If Acheson submitted an initial report under 40 C.F.R. § 59.408, a copy of this report, including any attachments and follow-up reports.
3. Results, reports, and data from all tests and measurements of the VOC content for all of Acheson's architectural coatings, as defined in 40 C.F.R. § 59.401, manufactured after September 13, 1999. Explain and describe each test or measurement, including which product identified in response

to question 1 the test or measurement applies to, when the tested batch was manufactured, and which category in Table 1 the tested batch would fit into.

4. An explanation as to how Acheson believes each architectural coating identified in response to question 1 meets the requirements of Part D, i.e., compliance with the VOC content limit in Table 1, payment of the applicable exceedance fee in 40 C.F.R. § 59.403, or compliance with the tonnage exemption provisions in 40 C.F.R. § 59.403.
5. For each architectural coating identified in response to question 1, a copy of the container label, product literature describing the recommendations for usage, and a material safety data sheet (MSDS). Also include the sizes of the containers in which each product is sold.
6. A list of coating materials sold that are not manufactured or formulated at your facility. Include a copy of the container label, product literature describing the recommendations for usage, and a MSDS.
7. For each product listed in response to question 6, include the sizes of the containers they are received in and whether these are repackaged at your facility.

## **Appendix B**

40 C.F.R. Part 59, Subpart D, National Volatile Organic Compound  
Emission Standards for Architectural Coatings

CERTIFICATE OF MAILING


I, Shanee Rucker, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

William H. Powell, Chairman-CEO  
Acheson Industries, Inc.  
1600 Washington Ave.  
Port Huron, MI 48060

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First Class Mail to:

Mark Reed, Supervisor  
Saginaw Bay District Office  
503 N. Euclid Avenue, Suite 1  
Bay City, MI 48706-2965

on the 2<sup>nd</sup> day of October 2003.

  
\_\_\_\_\_  
Shanee Rucker, Administrative  
Program Assistant  
AECAS (MI/WI)

Certified Mail Receipt Number: 76010320 0006 0296 0992



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

JAN 09 2004

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

William H. Powell, Chairman-CEO  
Acheson Industries, Inc.  
1600 Washington Avenue  
Port Huron, Michigan 48060

Re: Request for Information  
Pursuant to the Clean Air Act

Dear Mr. Powell:

On October 2, 2003, the Director of the Air and Radiation Division of the United States Environmental Protection Agency (U.S. EPA), Region 5, issued to Acheson Industries (Acheson) a Request for Information Pursuant to the Clean Air Act (Request). The Request was received by Acheson on October 6, 2003, and a response was due by October 27, 2003. A copy of this Request is enclosed.

As you recall, the Request, among other things, specifically stated the information to be supplied; required that all information be certified as true, correct, accurate and complete by an individual with sufficient knowledge and authority to make such representation on behalf of Acheson; and indicated that failure to comply fully with the Request could subject Acheson to an enforcement action under Section 113 of the Clean Air Act, 42 U.S.C. § 7413.

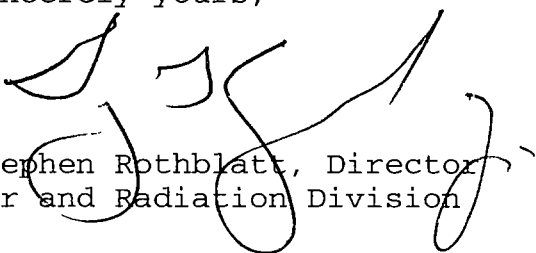
Acheson is currently in violation of Section 114 of the Clean Air Act for failing to respond to this Request. This failure to submit the required information is a violation of Section 113 of the Act. Section 113 of the Act provides the U.S. EPA with authority to seek penalties of up to \$27,500 per violation per day. The U.S. EPA is requesting that Acheson submit the information and certification within 14 calendar days of receipt of this letter. In providing this opportunity to Acheson, U.S. EPA does not waive any of its enforcement options pursuant to Section 113 of the Act.

ARD  
EDMS



If you have any questions regarding this letter please contact Ray Cullen, of my staff, at 312-886-0538.

Sincerely yours,



Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: Mark Reed, Supervisor  
Saginaw Bay District Office  
503 N. Euclid Avenue, Suite 1  
Bay City, MI 48706-2965